

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

AMBER TERRY,	)	Case No.: 2:14-cv-14579
	)	
Plaintiff,	)	
v.	)	Hon.
	)	
SYNCHRONY FINANCIAL	)	
d/b/a Synchrony Bank f/k/a GE Capital Retail	)	
Bank,	)	
	)	
Defendant.	)	

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**COMPLAINT**

NOW COMES Plaintiff, AMBER TERRY (“Plaintiff”), through her attorneys, KROHN & MOSS, LTD., and hereby alleges the following against Defendant, SYNCHRONY FINANCIAL d/b/a Synchrony Bank f/k/a GE Capital Retail Bank (“Defendant”):

**INTRODUCTION**

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

**JURISDICTION and VENUE**

2. Subject matter Jurisdiction of this court arises under to 47 U.S.C. § 227 and 28 U.S.C. § 1331.

3. Defendant conducts business in the State of Michigan thereby establishing personal jurisdiction.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2) as the transactions giving rise to this action occurred in this district as Plaintiff resides in this district and Defendant transacts business in this district.

### **PARTIES**

5. Plaintiff is a natural person at all times relevant residing in Detroit, Wayne County, Michigan.

6. Defendant is a business entity incorporated in Delaware with an office located at 777 Long Ridge Rd., Stamford, CT, 06902.

7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

8. In 2014, before the filing of this action, Defendant began placing telephone calls to (313) 658-47xx, Plaintiff's cellular telephone number.

9. These calls were placed regarding an Amazon credit card.

10. These calls were for non-emergency purposes.

11. Defendant used telephone number (866) 771-1104 to place these calls.

12. Upon information and belief based on the frequency, number, and nature of the calls, Defendant used an automatic telephone dialing system or other equipment capable of storing and/or producing telephone numbers ("auto dialer") to call Plaintiff.

13. On September 3, 2014, Plaintiff instructed Defendant to stop calling her.

14. Plaintiff revoked any permission, actual or implied, to call use an auto dialer to use an auto dialer to call her cell phone.

15. Defendant continued to use an auto dialer to call Plaintiff's cell phone September 3, 2014.

16. Defendant knowingly, voluntarily and willfully used an auto dialer to call Plaintiff's cell phone.

17. Defendant intended to use an auto dialer to call Plaintiff's cell phone.

18. Defendant did not have Plaintiff's express consent to use an auto dialer to call her cell phone after September 3, 2014.

19. Between September 14 and September 28, 2014, Defendant has used an auto dialer to call Plaintiff's cell phone at least sixty-one (61) times.

**COUNT I**  
**DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT**

20. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

21. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violations of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff, AMBER TERRY, respectfully requests judgment be entered against Defendant, SYNCHRONY FINANCIAL d/b/a Synchrony Bank f/k/a GE Capital Retail Bank, for the following

22. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);

23. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);

24. All court costs, witness fees and other fees incurred;

25. Any other relief that this Honorable Court deems appropriate.

Dated: December 3, 2014

KROHN & MOSS, LTD.

By: /s/Adam T. Hill

Adam T. Hill

KROHN & MOSS, LTD.

10 N. Dearborn St., 3rd Fl.

Chicago, Illinois 60602

Telephone: 312-578-9428

Telefax: 866-802-0021

ahill@consumerlawcenter.com

Attorneys for Plaintiff